



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,212	01/25/2001	John F. Harris		4886

7590 01/08/2002
John F. Harris
1464 Ridgeview PLNW
Albany, OR 97321

EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 01/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8W-8

Office Action Summary

Application No.

769212

Applicant(s)

Harris et al

Examiner

Upton

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/30/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) 5-11, 13 and 14 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 and 12 is/are rejected.
- ☒ Claim(s) 2-4 and 15-18 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit 1724

1. The substitute specification and claims filed on April 4, 2001 was not entered, as it was not accompanied by a marked up copy showing the additions and deletions and by a statement that the specification contains no new matter, according to 37 CFR 1.125. Also, the substitute specification incorporated improper amendments to the claims. Claims should be amended in accordance with 37 CFR 1.121, in the form of a clean copy and a marked up copy, with cancellations of claims stated and the numbering preserved in accordance with 37 CFR 1.126.

For these reasons, the proposed amendments filed with the response to the restriction requirement have also not been entered. *It should also be noted that the restriction requirement and this office action are based on claims 1-18 as originally filed, not according to claims 1-16 filed with the substitute specification of April 4, 2001.* The substitute specification and any amendments to the claims should be submitted in proper form in response to this office action.

2. The disclosure is objected to because of the following informalities: In the Description of the Prior Art, patent 5,575,925 is cited twice. It appears that one of the references should be to patent 5,372,714. The "References Cited" section should be deleted, as references cited are taken from the List of Prior Art Cited by Applicant and the Notice of References Cited. The abstract should be on a separate page, as should the claims.

Appropriate correction is required.

Art Unit 1724

3. Applicant's election without traverse of Claims 2-4, 15 and 16 in Paper No. 7 is acknowledged.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chinn et al.

Chinn et al discloses a filter enveloping a grate on a catch basin, as claimed.

6. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Forse.

Forse discloses a filter attached to a catch basin grate by straps, as claimed.

7. Claims 2-4 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a catch basin filter in the form of a bag having a smaller opening than the grate for encircling and coupling the filter bag to the grate

Art Unit 1724

patentably distinguishes over the prior art of record. Since claim 16 is generic to claims 17 and 18, as originally filed, these claims have been recombined.

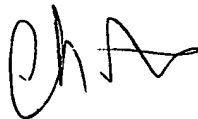
8. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Schilling, Shyh, Isaacson and Arntyr.

10. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



**CHRISTOPHER UPTON
PRIMARY EXAMINER**